

SERVICE DATE – LATE RELEASE MARCH 12, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35506

WESTERN COAL TRAFFIC LEAGUE—PETITION FOR DECLARATORY ORDER

Decided: March 12, 2012

The Surface Transportation Board (STB or Board) will hold a hearing on Thursday, March 22, 2012, to allow interested parties to comment on the issues in this proceeding. The hearing will begin at 9:30 a.m. in the Board's hearing room at the Board's headquarters located at 395 E Street, S.W., Washington, DC.

By a decision served on February 16, 2012, the Board announced this hearing and established March 6, 2012, as the deadline for persons wishing to speak at the hearing to file with the Board a notice of intent to participate and a summary of the intended testimony. Based on those submissions, the Board is issuing this decision to set the schedule of appearances for the hearing.¹ The schedule of appearances and the time provided for each party appear in the Appendix to this decision.

If a party wishes to enhance its presentation by using visual displays and/or handouts of material from the record, it may do so. Parties may copy computer presentations to a Board-supplied laptop for viewing on the hearing room's television screens. Staff will be available to demonstrate the hearing room's screen system and to assist in the copying of visual presentations onto the hearing room laptop computer on March 21, from 2:00 p.m. to 4:00 p.m. Please call (202) 245-0238 to make arrangements.

Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the main entrance to Patriots Plaza I at 395 E Street, S.W. (entrance on E Street closest to 4th Street). There will be no reserved seating, except for those scheduled to present comments. The building will be open to the public at 7:00 a.m., and participants are encouraged to arrive early. There is no public parking in the building. The two closest Metrorail stations are Federal Center SW at 3rd and D Streets, S.W., and L'Enfant Plaza at 6th and D Streets S.W.

¹ National Association of Wheat Growers' notice of intent to participate and summary of testimony was filed on March 7, 2012. In the interest of obtaining a more complete record, the late-filed notice and summary will be accepted into the record, and National Association of Wheat Growers will be scheduled to testify at the hearing.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or Federal government identification); sign-in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; and pass through a metal detector. Those persons testifying must check in with the Clerk at the front of the hearing room.

Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

Members of the media planning to attend the hearing should contact Dennis Watson in the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0234.

The Board's hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on March 20, 2012.

For further information regarding the hearing, contact Valerie Quinn at (202) 245-0382. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

APPENDIX
SCHEDULE OF APPEARANCES

MARCH 22, 2012

<u>Party</u>	<u>Time Allotted</u>
Panel I	
Members of Congress (to speak upon arrival) The Honorable Al Franken (tentative)	as needed
Panel II	
Western Coal Traffic League, et al. Thomas D. Crowley John W. Wilson John H. LeSeur	45 minutes
Panel III	
Alliance for Rail Competition, et al. Terry C. Whiteside John M. Cutler, Jr.	10 minutes
Consumers United for Rail Equity Michael F. McBride	10 minutes
National Association of Wheat Growers Wayne O. Hurst	5 minutes
Panel IV	
BNSF Railway Company Thomas N. Hund Richard E. Weicher Robert M. Jenkins III Roman L. Weil Kevin Neels Michael R. Baranowski	60 minutes
Panel V	
Association of American Railroads John T. Gray	10 minutes

Panel VI

Western Coal Traffic League, et al. (rebuttal)

15 minutes